# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,	)
Plaintiff,	)
v.	) Case No. 4:05-CV-329-GKF-PJC
TYSON FOODS, INC., et al.,	)
Defendants.	)

#### STATE OF OKLAHOMA'S FINAL FACT WITNESS LIST

Pursuant to the March 27, 2008 Scheduling Order and N.D. Okla. Form CV-15, the State, through its undersigned counsel, hereby provides the following final fact witness list. These witnesses may be called either live or through prior sworn testimony. In addition to the witnesses listed, the State reserves all rights to amend or supplement the Final Fact Witness List, to add or withdraw witnesses, and to correct, delete and / or substitute any witnesses listed in error. The State further reserves all rights to correct, delete and / or amend the descriptions of testimony. Several of the witnesses listed in the Final Fact Witness List may be called to testify as "non-retained" experts. If called to testify, these "non-retained" expert witnesses will offer both fact and opinion testimony. The State reserves all rights to introduce and use any and all witnesses listed by any or all Defendants (to the extent not objected to by the State), as well as any and all witnesses necessary for rebuttal or impeachment of any witness called at trial. The State reserves all rights to introduce and use any and all witnesses necessary to establish the authenticity and / or foundation of any document or exhibit.

No.	Name	Short Description of Testimony
1	Adams, Fred R., Jr.	Cal-Maine Defendants' and industry's business,
		environmental, and poultry-related practices and policies;
		poultry waste; knowledge/awareness of environmental

		inspections and/or complaints
21	Blazs, Robert L.	Monitoring, water quality, pollution sources, and
21	Biazs, Robert E.	hydrology of the IRW
22	Bledsoe, Gary	State agricultural programs and poultry waste land
	Biedsoe, Gary	application
23	Bolton, Barry	Coordination and supervision of statewide fisheries
	2 311311, 2 3121 )	program activities, including, management, research and
		hatcheries; IRW history and conditions
24	Bond, Richard	Tyson Defendants' and industry's business, environmental,
	,	and poultry-related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts
25	Bonds, Jr., Camp	IRW history and conditions
26	Bracken, Tim	Information regarding investigation of poultry operations
		in IRW; authentication of documents and photographs
27	Bradley, Kristie	Public health and epidemiology; State Department of
		Health policies and programs
28	Bradshaw, Ronnie	Simmons' and industry's business, environmental, and
		poultry-related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts; IRW
-		history and conditions
29	Van Brahana, John	Monitoring, water quality, pollution sources, and
20	D 1 11 D 1	hydrology of the IRW
30	Bredwell, Paul	U.S. Poultry and Egg Association including its
		environmental knowledge and programs, the purpose,
		creation, distribution, and content of the Poultry Water Quality Handbook
31	Brewer – Walker,	Animal disease and biosecurity; ODAFF policies and
31	Dr. Becky	programs
32	Bridge, Cass	Conditions in the IRW; foundation for expert opinions
32	Bridge, Cass	offered by the State; authentication of sampling documents
		and information
33	Briggs, Mike	Willow Brook and industry's business, environmental, and
		poultry–related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts
34	Britton, Jim	Poultry industry operations and practices
35	Brocksmith, Ed	Poultry industry operations and practices; IRW history and
		conditions; scenic river designations
36	Brown, Darren	Conditions in the IRW; foundation for expert opinions
	(Also testifying expert)	offered by the State; authentication of sampling documents
	<u> </u>	and information sampling procedures
37	Brown, Gwen	Poultry waste complaint
38	Bryan, Mike	Plan writing and implementation in the Illinois and Beaty
20	D 1 D'''	Creek watersheds
39	Buckner, Bill	Cargill Defendants and industry's business,
		environmental, and poultry–related practices and policies;
		poultry waste; knowledge/awareness of environmental

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		environmental mass balance, water quality modeling,
		animal waste, fate and transport, agronomic rates,
		phosphorous indices, GIS and remote sensing, best
		management practices, water quality monitoring, and
		research
58	Childers, Marvin	Poultry Federation activities, environmental programs,
		studies, membership and leadership
59	Clyde, Tony	IRW water quality monitoring, results, pollution sources,
		and conditions
60	Coffey, Kay	ODEQ programs and activities concerning public water
		supplies, including enforcement and compliance assistance
		related to standards and disinfection byproducts
61	Coffman, Steve	OCC water quality programs
62	Cole, Tonyieka (Nikki)	State's response costs for OWRB
63	Collins, Charles	Cal-Maine Defendants' and industry's business,
		environmental, and poultry-related practices and policies;
		poultry waste; knowledge/awareness of environmental
		impacts
64	Collins, Roger	Integrator and grower relationships, practices and policies,
		particularly re: Simmons.
65	Colwell, Terry	State agricultural field inspectors; agricultural resources;
		feed, seed, fertilizer, and weights and measures
66	Connor, Douglas	Tenkiller Utility Authority and public water supply issues
67	Couch, Dean A,	OWRB policies, regulations, practices, procedures, and
		records
68	Coulthurst, Rashida	Conditions in the IRW; foundation for expert opinions
		offered by the State; authentication of sampling documents
		and information
69	Cox, Tim	Conditions in the IRW; foundation for expert opinions
		offered by the State; authentication of sampling documents
		and information
70	Craig, Jon	ODEQ water quality programs, division policy,
		regulations, and enforcement activities
71	Craig, Rhonda	ODEQ records and records procedures
72	Craney, Wayne	ODEQ point source and storm water regulations
73	Crawford, Kenneth	Accurate Environmental Lab records
74	Crouch, Don	Willow Brook and industry's business, environmental, and
		poultry-related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts
75	Crowder, Rose	Poultry waste complaint
76	Crutcher, (James) Michael	Public health and epidemiology, ODH programs
77	Daniel, Tommy C.	Water quality, nonpoint source pollution, simulated rainfall
	•	techniques, eutrophication, phosphorus chemistry, fate and
		transport, constituents of poultry waste, animal waste;
		animal waste management
78	Dawson, Tim	Cal-Maine Defendants', Benton County Foods, LLC and

		response costs for ODAFF, agency records, and water quality
130	Haelzle, Jason	Conestoga Rovers & Associates ("CRA") monitoring project in IRW; CRA business activities, membership in trade organizations
131	Haggard, Brian	Monitoring, water quality, pollution sources and hydrology of the IRW
132	Hardiman, John	Cobb-Vantress and industry's business, environmental, and poultry–related practices and policies; poultry waste; knowledge/awareness of environmental impacts
133	Harrell, Michael	Monitoring information received by ODEQ Water Quality Division, including monitoring information from Public Water Supply concerning standards and disinfection byproducts; public water supply requirements, including disinfection byproducts; potable water
134	Harriman, Morril	Poultry production practices; business practices of Poultry Federation; poultry industry knowledge and awareness of environmental issues
135	Hart, Craig J.	Tyson Defendants' and industry's business, environmental and poultry–related practices and policies; poultry waste; knowledge/awareness of environmental impacts; Tyson Defendants' financial condition.
136	Hassell, John	OCC water quality programs, implementation programs, water quality, animal waste, poultry industry practices, and conditions in the IRW
137	Henderson, Dan	Peterson's and industry's business, environmental, and poultry–related practices and policies; poultry waste; knowledge/awareness of environmental impacts
138	Henderson, Monty	George's Defendants' and industry's business, environmental, and poultry–related practices and policies; poultry waste; knowledge/awareness of environmental impacts
139	Herrin, Al	IRW history and conditions
140	Herron, Sheri	Poultry waste, waste management practices, waste transport, BMP's Inc., poultry industry practices, and Eucha-Spavinaw Watershed
141	Hickman, James	IRW history and conditions
142	Hicks, Kelly	Tyson Defendants' and industry's business, environmental, and poultry–related practices and policies; poultry waste; knowledge/awareness of environmental impacts
143	Hight, R. Larry	Conditions in the IRW; foundation for expert opinions offered by the State; authentication of sampling documents and information
144	Hilsher, Gerald	OSRC; scenic river designations; history and conditions of IRW; poultry industry in Oklahoma; Animal Waste Task

204	NA NI 17 '	T D C 1 ( ) 1' 1 ( ) 1 ' ' ' ( )
204	McNamara, Kevin	Tyson Defendants' and industry's business, environmental,
		and poultry-related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts
205	Mefford, Nathan	Cargill Defendants' and industry's business,
		environmental, and poultry-related practices and policies;
		poultry waste; knowledge/awareness of environmental
		impacts
206	Meo, Mark	Water quality, pollution sources, and conditions of the
200	Wico, Wark	IRW
207	Mills Isson M	
207	Mills, Jason M.	Conditions in the IRW; foundation for expert opinions
		offered by the State; authentication of sampling documents
		and information
208	Miquelon, Wade	Tyson Defendants' and industry's business, environmental,
		and poultry-related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts; financial
		condition of Tyson Defendants
209	Moershel, Phillip H.	Work plans and data for OCC and the OWRB; State
	, 1	response costs for OWRB; regulations, water quality,
		monitoring; published literature regarding IRW
210	Moore, Jr., Philip A.	Studies and published literature of the IRW
211	Moye, Jerry	Cobb-Vantress' and industry's business, environmental,
211	Moye, Jerry	
		and poultry–related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts
212	Muegge, Paul	Poultry industry and enactment of the Oklahoma Poultry
		Act; integrator-grower relationships
213	Mulcrone, Renee S.	Conditions in the IRW; foundation for expert opinions
		offered by the State; authentication of sampling documents
		and information
214	Mullikin, Ron	Peterson's and industry's business, environmental, and
		poultry–related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts
215	Murphy, Gary	Simmons' and industry's business, environmental, and
		poultry–related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts; Simmons'
		records
216	NI NE'I	
216	Nance, Mike	Information regarding investigation of poultry operations
		in IRW; authentication of documents and photographs
217	Naylor, Kenny	Fertilizer regulations and practices for ODAFF; agency
		records
218	Nelson, Marc	Pollution sources, environmental mass balance, water
		quality modeling, animal waste, fate and transport,
		agronomic rates, phosphorous indices, GIS and remote
		sensing, best management practices, water quality
		monitoring, and research
219	Nowlin, Dan	IRW history and conditions
220	Nutt, Lynn	Willow Brook's and industry's business, environmental,
220	11att, 11ymm	THOW DIOOK 5 and moustry 5 dusiness, environmental,

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		pollution sources; State interest in natural resources;
		research; reports; remediation; state programs; IRW history
		and conditions; City of Tulsa settlement
297	Summers, Greg	Angler opinion surveys, statewide fisheries research
		projects, GIS mapping, marketing and license sales for
		ODWC
298	Thompson, Scott	ODEQ land protection division; solid wastes disposal
299	Thompson, Steve	ODEQ programs, as well as agency policy, regulations, and
		enforcement activities
300	Thralls, Mike	OCC agency operation and programs
301	Thralls, Rex	Poultry waste application
302	Timby, Gabriel	Poultry waste application; Terra Renewal Services'
		business practices
303	Tolbert, Miles	Environmental policy, administration, legislation, laws and
		regulations for State of Oklahoma; records for Oklahoma
		Office of the Secretary of the Environment; animal waste;
		Animal Waste Task Force; water quality; poultry industry
		practices; state programs; natural resource damages;
		pollution sources; State interest in natural resources;
		research; reports; remediation; state programs; IRW history
		and conditions; City of Tulsa settlement; integrator-grower
		relationship
304	Tollett, Leland	Tyson Defendants' and industry's business, environmental,
		and poultry–related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts;
		knowledge of financial condition of Tyson
305	Tortorelli, Robert L.	Monitoring, water quality and hydrology of the IRW
306	Tramell, Brooks	OCC monitoring; general ecological condition of streams
300	Trainen, Brooks	and rivers statewide; water quality
307	Traylor, Mike	Hauling and spreading poultry waste
308	Tuell, Shane	Information regarding investigation of poultry operations
200	Tuell, Shane	in IRW; authentication of documents and photographs
309	Turner, John	Integrator and grower relationships, practices and policies,
		particularly re: Cargill
310	Tyson, Don	Tyson Defendants' and industry's business, environmental,
	- <i>J</i> = 5, 2 5	and poultry–related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts
311	Tyson, John	Tyson Defendants' and industry's business, environmental,
211	1 3 5011, 501111	and poultry–related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts
312	Updike, Jay	Policies and procedures for Tahlequah Public Works
312	Cparke, say	Authority
313	Van Bebber, David	Tyson Defendants' and industry's business, environmental,
313	van beoter, bavid	and poultry–related practices and policies; poultry waste;
		knowledge/awareness of environmental impacts
211	Vandavantan Milia	
314	Vandeventer, Mike	ODAFF pesticides records

371	Cobb-Vantress, Inc.	Tyson Defendants' and industry's business, environmental and poultry-related practices and policies; poultry waste; knowledge/awareness of environmental impacts; financial condition
372	CEO Willow Brook Foods, Inc.	Willow Brook Defendant's and industry's business, environmental and poultry-related practices and policies; poultry waste; knowledge/awareness of environmental impacts; financial condition
373	CEO Cal-Maine Foods, Inc.	Cal-Maine Defendants' and industry's business, environmental and poultry-related practices and policies; poultry waste; knowledge/awareness of environmental impacts; financial condition
374	CEO Cal-Maine Foods, Inc.	Cal-Maine Defendants' and industry's business, environmental and poultry-related practices and policies; poultry waste; knowledge/awareness of environmental impacts; financial condition
375	CFO Cargill, Inc.	Financial condition
376	CFO Cargill Turkey	Financial condition
	Production, LLC	
377	CFO George's, Inc.	Financial condition
378	CFO George's Farms, Inc.	Financial condition
379	CFO Peterson Farms, Inc.	Financial condition
380	CFO Simmons Foods, Inc.	Financial condition
381	CFO Tyson Poultry, Inc.	Financial condition
382	CFO Tyson Chicken, Inc.	Financial condition
383	CFO Tyson Foods, Inc.	Financial condition
384	CFO Cobb-Vantress, Inc.	Financial condition
385	CFO Willow Brook Foods, Inc.	Financial condition
386	CFO Cal-Maine Foods, Inc.	Financial condition
387	CFO Cal-Maine Farms,	Financial condition
	Inc.	
388	Representative of the Water	Purpose, creation, distribution, and content of the Poultry
	Quality Consortium	Water Quality Handbook
389	Representative of the	National symposium's purpose, creation, content, and
	National Poultry Waste	attendees from 1988 to present
	Symposium	

In addition, the following testifying experts may offer fact evidence:

- 1. Bishop, Rich
- 2. Brown, Darren

- 3. Canaday, Lowell
- 4. Chapman, David
- 5. Cooke, Dennis
- 6. Engel, Bernie
- 7. Fisher, J. Berton
- 8. Hanemann, Michael
- 9. Harwood, Valerie (Jodi)
- 10. Johnson, Gordon
- 11. Kanninen, Michael
- 12. King, Todd
- 13. Krosnick, Jon
- 14. Morey, Edward
- 15. Lawrence, Robert
- 16. Olsen, Roger
- 17. Payne, David
- 18. Smith, Megan
- 19. Stevenson, Jan
- 20. Taylor, Robert
- 21. Teaf, Chris
- 22. Tourangeau, Roger
- 23. Welch, Eugene
- 24. Wells, Scott

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# **CERTIFICATE OF SERVICE**

I hereby certify that on this <u>19<sup>th</sup></u> day of February, 2009, I electronically transmitted the above and foregoing pleading to the Clerk of the Court using the ECF System for filing and a transmittal of a Notice of Electronic Filing to the following ECF registrants:

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**Association and Texas Association of Dairymen** 

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Counsel for American Farm Bureau and National Cattlemen's Beef Association

Also on this <u>19<sup>th</sup></u> day of December, 2008, I mailed a copy of the above and foregoing pleading to the following:

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## J. D. Strong

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# Dustin McDaniel Justin Allen

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